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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,620	10/29/2003	Johan Peter Dahlberg	DN2003073	5590

27280 7590 04/29/2005

THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
1144 EAST MARKET STREET  
AKRON, OH 44316-0001

EXAMINER

FISCHER, JUSTIN R

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/696,620

Applicant(s)

DAHLBERG ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 102903.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandstrom (US 6,230,773, of record). Sandstrom discloses a runflat tire construction having a carcass 10, a tread 2, and a belt reinforcing structure 9, wherein at least one runflat insert is arranged in the sidewall portions. In regards to the "heel-to-heel" distance, the claim as currently drafted is directed to a tire construction, not a wheel assembly, and as such, it is clearly evident that the distance between bead heels is a function of the rim being mounted. Thus, the tire of Sandstrom would satisfy the claimed limitation if it were arranged on a large rim. It is emphasized that independent of the type of rim being mounted, the tire of Sandstrom is the same and thus, said tire is seen to anticipate that required by the claimed invention. Lastly, it is suggested that applicant amend claim 1 to define the insert as a "self supporting runflat insert" to remain consistent with the scope of the claimed invention as set forth in claim 4.

As to claim 2, the runflat insert 12 is disposed between an innerliner 8 and a carcass 10.

With respect to claim 3, as best depicted in Figure 2, the axially innermost carcass ply is turned around the bead core, while the axially outermost carcass ply

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terminates adjacent the bead core. In this instance, the runflat insert is arranged between respective carcass plies.

Regarding claim 4, Sandstrom suggests that the runflat insert is formed of at least one diene-based elastomer (Abstract).

As to claim 5, the runflat insert of Sandstrom has a radially outer end radially inward of the belt reinforcing structure and a radially inward end that is radially outward of the bead core.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokutake (US 5,117,886, of record) and further in view of Sandstrom. Tokutake discloses a pneumatic tire construction having a carcass 10, a tread 3, and a belt reinforcing structure 25, wherein the axial distance between the bead heels increases upon inflation in order to provide improved vehicle turning performance/cornering power (Abstract and Column 2, Lines 55-65)- thus, the rim width is greater than the bead width of the vulcanized tire. The reference, however, is silent as to the inclusion of a runflat insert. In any event, it is extremely well known and conventional to include a sidewall insert in a wide variety of tires in order to provide increased rigidity in the sidewall and ultimately to provide a tire with the capability of operating in an underinflated condition,

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as shown for example by Sandstrom. It is emphasized that runflat inserts are extremely well known and extensively used in the tire industry. Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to include said insert in the tire of Tokutake for the benefits detailed above. Lastly, it is noted that there is a reasonable expectation of success in obtaining the benefits of improved vehicle turning when modifying the tire of Tokutake to include a runflat insert.

It is noted that Tokutake expressly discloses the general concept of forming a bead width less than a rim width. Tokutake suggests that such a construction provides improved vehicle turning performance/cornering power. In describing the above noted axial distances (bead width and rim width), Tokutake suggests that the bead width is between 12.7 and 50.8 millimeters less than the rim width. It appears that such a construction provides a suitable gripping force against the rim to maintain the tire seated on said rim- such a force would be expected in the tire of Tokutake in view of Sandstrom.

As to claims 2-7, Sandstrom evidence the common structure and arrangement of runflat inserts. It is further noted that claim 6 needs to be amended to remove the current numbering of said claim (currently listed as claim 8).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin Fischer

April 26, 2005